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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,071	08/02/2001	Hatim Y. Amro	16356.647 (DC-03057)	5244
27683	7590	04/11/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	
DATE MAILED: 04/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/921,071	<b>Applicant(s)</b> AMRO ET AL.	
	<b>Examiner</b> Ashok B. Patel	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 0206.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-30 are subject to examination. Claims 5 and 21-30 are cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/02/2006 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4 and 5-20 have been considered but are moot in view of the new ground(s) of rejection.

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C, 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, and 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imai et al. (US 5,978,590, "Imai") in view of Chiloyan et al. (US 200210095501 A1, "Chiloyan").

**Referring to claim 1,**

Imai teaches a system comprising:

- a system BIOS (col. 9, line 57-63, col. 10, line 30-31);

- a server including a script associated with an identifier and order information (col. 10, line 8-65);

- a computer system coupled to the server and including a port (Fig. 3, item 40 and 40a) ; bar code reader attached to port with bar code);

- the computer system configured to:

- in response to being powered on, boot by executing instructions from the BIOS (col. 9, line 57-63, col. 10, line 30-31);

- provide the identifier to the server (col. 10, line 11-14);

- in response to receiving the identifier. the server causing the identifier to be installed with the order information and the script; and cause the script associated with the identifier to be executed to cause one or more software components to be installed onto the computer system; and the identifier being removed from the computer system for reuse. (col. 10, line 8-65);

Although Imai teaches in Fig. 3, item 40 and 40a ; bar code reader attached to port with bar code; Imai fails to teach the identification device coupled to the port, the device including the identifier; and read the identifier from the device.

Chiloyan teaches read and identifier from a peripheral device (Paragraph 0041; reads product and vendor ID; Paragraph 0033 information can include serial number) attached to a computer system via a serial (USB) port 46 wherein the identifier is correlated with software stored on a server (Paragraph 0046; paragraph 0046; ID info used to identify drivers, application software on a server).

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Chiloyan because they both with reading an identifier to provide an index to desired software modules on a remote server. Furthermore, the teaching of read the ID from a device connected to a USB serial port allows the system to automate the installation of software associated with plug and play peripheral devices which facilitates the use of new devices by locating and installing the required drivers and associated software without user intervention (See Chiloyan, Paragraph 0037).

**Referring to claim 2,**

Imai teaches the system of claim 1, wherein the computer system is configured to cause the script to be executed on the computer system (col. 5, lines (col. 6, lines 30-50; installation script copied to computer terminal and then executed).

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**(Original). The system of claim 1, wherein the computer system is configured to cause the script to be executed on the server.**

**Referring to claim 4,**

Imai teaches the system of claim 1, wherein the server includes the one or more software components. (col. 2, lines 61-67).

**Referring to claim 6,**

Imai teaches the system of claim 5, wherein the order information includes a list of software components to be installed onto the computer system, and wherein the list includes the one or more software components (col. 8, lines 8-23,

**Referring to claim 7,**

Imai teaches the system of claim 6, wherein the script is configured to detect the one or more software components to be installed using the list. (col. 10, line 43-59)..

**Referring to claims 8 and 9,**

Imai does not explicitly teach that the port is a serial port and comprises a USB port. 33.

Chiloyan teaches read and identifier from a peripheral device (Paragraph 0041; reads product and vendor ID; Paragraph 0033 information can include serial number) attached to a computer system via a serial (USB) port 46 wherein the identifier is correlated with software stored on a server (Paragraph 0046; paragraph 0046; ID info used to identify drivers, application software on a server).

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Chiloyan because they both with reading an identifier to provide an index to desired software modules on a

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remote server. Furthermore, the teaching of read the ID from a device connected to a USB serial port allows the system to automate the installation of software associated with plug and play peripheral devices which facilitates the use of new devices by locating and installing the required drivers and associated software without user intervention (See Chiloyan, Paragraph 0037).

**Referring to claim 10,**

Imai does not explicitly teach system of claim 1, wherein the device comprises a programmable device.

Chiloyan teaches wherein the device is a programmable device (Paragraph 0039; id stored in programmable memory).

Therefore it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Imai and Chiloyan to read the identification information from a programmable device connected to a serial port because they both reading an identifier to provide an index to desired software modules on a remote server. Furthermore, the teaching of Chiloyan to use a programmable device allows the information associated with locating the required software to be updated to added to an existing device thus upgrading the device to locate the appropriate software to gain the advantage of automatic installation of application software and driver. modules.

**Referring to claim 11,**

Claim 11 is a method that is carried out by the system of claim 1. Therefore claim 11 is rejected for the reasons set forth for claim 1.

**Referring to claim 12,**

Claim 12 is a method that is carried out by the system of claim 2. Therefore claim 12 is rejected for the reasons set forth for claim 2.

**Referring to claim 14,**

Imai teaches the method of claim 11, further comprising: receiving the one or more software components from the server prior to the one or more software components being installed onto the computer system (col. 4, lines 24-27).

**Referring to claim 15,**

Imai discloses the system of claim 21, wherein executing the script comprises: detecting order information associated with the computer system on the server.  
(col. 8, lines 10-24; col. 10, lines 10-15).

**Referring to claim 16,**

Claim 16 is a method that is carried out by the system of claim 6. Therefore claim 16 is rejected for the reasons set forth for claim 6.

**Referring to claim 17,**

Claim 17 is a method that is carried out by the system of claim 7. Therefore claim 17 is rejected for the reasons set forth for claim 7.

**Referring to claim 18,**

Claim 18 is a method that is carried out by the system of claim 8. Therefore claim 18 is rejected for the reasons set forth for claim 8.

**Referring to claim 19,**



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Claim 19 is a method that is carried out by the system of claim 9. Therefore claim 19 is rejected for the reasons set forth for claim 9.

**Referring to claim 20,**

Claim 20 is a method that is carried out by the system of claim 10. Therefore claim 20 is rejected for the reasons set forth for claim 10.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100